

JUSTIFICATION AND APPROVAL
FOR AN EXCEPTION TO FAIR OPPORTUNITY

1. Contracting Activity: Department of Veterans Affairs (VA)
Office of Acquisition Operations
Technology Acquisition Center
260 Industrial Way West
Eatontown, New Jersey 07724
2. Description of Action: The proposed action is for a firm-fixed-price (FFP) Task Order (TO), issued under the National Aeronautics and Space Administration (NASA) Solutions for Enterprise-Wide Procurement (SEWP) IV Government Wide Acquisition Contract (GWAC) for CAST Application Intelligence Platform Software Maintenance Renewals for 1200 perpetual user licenses of the CAST Application Intelligence Platform currently owned by VA. The period of performance for this effort will consist of one 12-month base period with two 12-month option periods.
3. Description of Supplies or Services: The proposed action is to provide 1200 CAST Application Intelligence Platform Software Maintenance Renewals. CAST Application Intelligence Platform provides tools which developers, analysts, project managers, and auditors can use to develop and monitor efficient, maintainable, and secure VA business-driven application code. The VA can also analyze and locate issues in application code that is already in production. These CAST Application Intelligence Platform software maintenance renewals are needed so that the currently fielded CAST software will remain operational. The software maintenance renewal shall include updates, maintenance, upgrades, application design, development, and construction, and policy expertise and support. In addition, the contractor shall provide VA with 200 days of training and implementation support for the CAST Application Intelligence Platform. This shall include CAST Administrator Training, CAST Key User Training, and CAST End User Training.
4. Statutory Authority: The statutory authority permitting this exception to fair opportunity is Section 41 U.S.C. 4106(c) as implemented by Federal Acquisition Regulation (FAR) Subpart 16.505(b)(2)(i)(B) entitled, "Only one awardee is capable of providing the supplies or services required at the level of quality required because the supplies or services ordered are unique or highly specialized."
5. Use of Authority Cited Above: Based on the market research, as described in paragraph eight of this document, it was determined that limited competition is viable among authorized resellers for these services. This is a renewal to continue annual maintenance and support of VA owned licenses. CAST Application Intelligence Platform software maintenance is the only software maintenance and support package that can continue to support the CAST Application Intelligence Platform. Additionally, these services are proprietary to CAST and operate through a proprietary source code that is required to provide the aforementioned services to the currently fielded CAST software. No other service package can be used on the CAST software due to this proprietary source code. Only CAST resellers can provide the specific maintenance

support services by having direct access to this source code, which VA does not own. Any source must have access to this proprietary source code in order to provide the aforementioned maintenance support. Without these services, critical software updates cannot be applied and there will be no support for software issues that arise during testing. This will result directly in delay of product release, increased risk of software errors being released to production use, and potential for patient safety issues during Veteran patient care. The selection of an alternative software product will result in substantial duplication of costs which would not be recovered through competition. Specifically, the cost of the initial purchase of a new product would be approximately \$4M based on the purchase of 1200 new licenses. This is based on market research of CAST and similar software. Re-investment in this platform maintains access to intellectual capital of subject matter experts staffed within Testing Service; shifting to an alternate software solution will result in retraining staff and contract resources. Additionally, training is required from a vendor who is knowledgeable and well versed in the CAST product specifically to ensure that they understand and can help VA work with the CAST specific source code and other unique attributes such as code languages that CAST is able to support and interfaces such as Enlightened Application Viewers. Along with the user training, there is also an implementation assistance element to the training that cannot be supplied by a vendor that is not well versed and knowledgeable about the specific CAST software and how VA is utilizing it. Having all these components in one package gives VA the ability use the services as needed for training to ensure that the CAST product is being utilized by knowledgeable VA staff.

6. Efforts to Obtain Competition: Market research was conducted, details of which are in the market research section of this document. Limited competition is anticipated for the required brand name service. Accordingly, this justification and the Request for Quotation (RFQ) will be submitted to all four NASA SEWP IV GWAC contract groups in order to fully notify all interested parties. This will allow any CAST resellers the opportunity to add the required software maintenance to their catalog if they decide to respond to the RFQ. Any quotes received will be evaluated. Furthermore, in accordance with FAR 5.301 and 16.505(b)(2)(D)(1)(i), this action will be synopsisized at award on the Federal Business Opportunities Page (FBO) and the justification will be made publicly available.

7. Actions to Increase Competition: In order to remove or overcome barriers to competition in the future, the program office will continue to perform market research on the software application this requirement supports to determine if other solutions can be considered for future procurements.

8. Market Research: In May 2012, market research was conducted by the Government's technical experts on NASA SEWP IV GWAC. It was determined that NASA SEWP IV GWAC offers maintenance support for other software, with Coverity and Klocworks being the closest in comparison to CAST. Maintenance support for these alternate software packages would not provide the code updates unique to CAST, nor would the phone and online support be compatible with the CAST software functionality. Neither alternative has the breadth of technology coverage, analysis, or results comparable to CAST. A search was performed in May 2012 on the NASA

SEWP IV GWAC Manufacturer Lookup tool which yielded one reseller from Group B (Service Disabled Veteran-Owned Small Business). However, vendors on NASA SEWP IV GWAC have the ability to add this software maintenance to their catalog and may respond to a RFQ. In accordance with NASA SEWP IV GWAC recommendations, all four contract groups will be notified for this brand name requirement.

9. Other Facts: None